



July 5, 2005

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W., Room 1-A836
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation in CS Docket Nos. 00-185; CS Docket 02-52; CC Docket No. 02-33

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this letter is to provide notice in the above-captioned proceedings of an *ex parte* communication on July 5, 2005 by Jonathan Askin, General Counsel to pulver.com, and Staci Pies, VP for PointOne, with Jessica Rosenworcel, Legal Advisor to Commissioner Copps.

The parties expressed the view that, in the wake of the Supreme Court's decision in *NCTA v. Brand X Internet Services*, Mo. 04-277; *FCC v. Brand X Internet Services*, No. 04-281 ("*Brand X*"), the FCC must ensure that consumers can control their own Internet experience. Without the ability for consumers to rely on alternate Internet service providers, unaffiliated with the access provider, there is an immediate, compelling need for the FCC to adopt enforceable consumer empowerment rules. End users, innovators and entrepreneurs need an assurance that the FCC will not tolerate any effort by any entity to unreasonably affect a consumer's access to the Internet content and applications of her choice, and the right to attach the devices of her choice to her end of her communications pipe. The real power of the Internet rests in the ability of the consumer to reach it and control her own experience. The one rule that must apply is that last-mile network owners must not be permitted to harm consumer control and freedom.

If you have any questions about this matter, please contact me at 631-961-1049.

Respectfully submitted,

/s/

Jonathan Askin

FROM THE DESK OF
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